

PETITION FOR ZONING REDISTRICTING
AND/OR SPECIAL EXCEPTION

BOARD OF APPEALS
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY.

I, Guiseppi Automotive, Inc., owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and make a part hereof, hereby petition (1) that the zoning status of the herein described property be re-districted, pursuant to the Zoning Law of Baltimore County, from CS-1 to a

IM district for the following reasons: There was error in the last review of the districting for the property in the failure to recognize the development of the area as a manufacturing center and the need for auxiliary services such as a service garage to enhance this development.

There has also been a substantial change of circumstances in the character of the area in the development of additional manufacturing and shipping facilities. The flexibility to meet these changes can best be obtained by re-districting said property to IM rather than stifling growth trends by maintenance of the current CS-1 district.

and (2) for a Special Exception, under the said Zoning Law and Zoning regulations of Baltimore County, to use the herein described property, for service garage.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above re-districting and or Special Exception advertisement, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Guiseppi Automotive, Inc., President
Robert Romacka & John Contrum
Address 809 Eastern Blvd. Baltimore, MD.
Address 9622 Pulaski Highway
Baltimore, MD 21220

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of October, 1981, that the subject matter of this petition be advertised, required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 15th day of October, 1981, at 10:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1981

COUNTY OFFICE Bldg.
111 W. Conquest Ave.
Towson, Maryland 21204

to
Nicholas B. Commodari
Chairman

MEMBERS
Baltimore County
Department of
Public Works
State Roads Commission
Baltimore County
Health Department
Baltimore County
Police Department
Baltimore County
Zoning Administration
Industrial
Development

Robert J. Romacka, Esquire
John B. Contrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Item #19 Zoning Cycle II
Petitioner's Request for
Redistricting Petition

Dear Messrs. Romacka and Contrum:

This redistricting petition was received by the Board of Appeals for a public hearing on October 19, 1981. The petition was reviewed by the Board of Appeals and the Zoning Commission. The Board of Appeals and the Zoning Commission have reviewed the petition and the site plan. They have found that the petition is in compliance with the Zoning Law and the Zoning Regulations. They have also found that the petition is in compliance with the Zoning Commission's policies and procedures. They have therefore recommended that the petition be approved.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be revised as to reflect better compliance with the zoning regulations and existing standards and procedures, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office before November 30. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

Located on the northwest side of Pulaski Highway north-east of Middle River Road, the subject property is presently zoned M.U.-C.S.-1 and is improved with the facilities of your client's service garage, which has been the subject of a recent zoning violation hearing (Case No. 82-44-1).

When the petition forms were submitted, a request for a special exception for the existing use in the proposed I.M. District was indicated. However, subsequent to this original submission, Mr. Contrum deleted this request from

Maryland Department of Transportation

State Highway Administration

James J. O'Brien
Secretary
M.S. Center
Baltimore, Md.

Mr. William T. Hackett, Chairman
Board of Appeals
County Office Bldg.
Towson, Maryland 21204

Attention: Mr. N. Commodari

RE: Cycle II
110 Meeting of 9-11-81
ITEM #19
Property Owner: Guiseppi Automotive, Inc.
Location: NW side
Pulaski Hwy. (Route 40-50)
217' N/W of Middle River
Road
Existing Zoning: CS-1
Proposed Zoning: IM
Acres: 0.6
District: 15th

Dear Mr. Hackett:

On review of the site plan of May 15, 1981 and field inspection, the State Highway Administration will require the plan to be revised.

The revised plan must show proposed improvements to the existing site along the frontage of the existing site.

This is needed to prevent vehicles from using the shoulder of the way for a parking lot.

It is requested that the plan be revised prior to a hearing date.

Very truly yours,

Charles L. Winkley
Bureau of Engineering
Access Permitted

By: George Winkley

CLG:Wvd

cc: Mr. J. Winkley

My telephone number is 212-111-1111

P.O. Box 717, 701 N. Calvert St., Baltimore, Maryland 21202

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

October 15, 1981

Mr. William T. Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

RE: Item #19 Zoning Cycle II (Oct. 1981-Apr. 1982)
Property Owner: Guiseppi Automotive, Inc.
N/W Pulaski Highway 517' N/E of Middle River Road
Existing Zoning: CS-1
Proposed Zoning: IM
Acres: 0.6 District: 15th

Dear Mr. Hackett:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Pulaski Highway (U.S. 40) is a State Road; therefore, all improvements, intersections, entrances and drainage requirements as they affect the road come under the jurisdiction of the Maryland State Highway Administration. Any utility construction within the State Road right-of-way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Entrance locations are also subject to approval by the Baltimore County Bureau of Traffic Engineering.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Item #19 Zoning Cycle II (Oct. 1981-Apr. 1982)
Property Owner: Guiseppi Automotive, Inc.
Page 2
October 15, 1981

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

There are public 8 and 12-inch water mains and 8-inch public sanitary sewerage in Pulaski Highway.

Very truly yours,

Robert A. Morton, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:SS

M-SE Key Sheet
21 NE 31 Pos. Sheet
NE 6 H Topo
82 Tax Map

Mr. William T. Hackett - Chairman
Board of Appeals
Room 219 - Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Comments on Item #19, Zoning Cycle II, - 1981, are as follows:

Property Owner: Guiseppi Automotive, Inc.
Location: NW Side Pulaski Highway 517' N/E of Middle River Road
Acres: 0.6
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to ensure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The submitted plan does not have sufficient information to make the plan contents of this item.

Very truly yours,

John L. Winkley
John L. Winkley
Planner III
Current Planning and Development

JLW:ph

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of.....

the above Re-districting should be had; and it further appearing that by reason of.....

a Special Exception for a.....should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this..... day of....., 19...., that the herein described property or area should be and the same is hereby re-districted, from..... to..... district and/or a Special Exception for a..... should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of.....

the above Re-districting should NOT BE HAD, and/or the Special Exception should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this..... day of....., 19...., that the above re-districting be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain.....; and/or the Special Exception for..... be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William Hackett-Chairman
Board of Appeals
Cc: Nick Commodari
FROM: Charles E. Burnham
Cycle II - 1981
SUBJECT: Item #19 Zoning Advisory Committee Meeting 9-14-81

Date: September 23, 1981

Property Owner: Guiseppi Automotive, Inc.
Location: NW/S Pulaski Highway 517' N/E of Middle River Road
Existing Zoning: CS-1
Proposed Zoning: I-M
Acreage: 0.6
District: 15th

Any proposed structures and improvements shall comply with the Baltimore County Building Code in force at the time. Compliance to the State of Maryland, regulations 05.01.07 and other applicable codes, rules and regulations shall be required.

Permits shall be secured for any improvement or new uses beyond which currently exist.

Charles E. Burnham
Plans Review Chief

CEB:rrj



STEPHEN K. COLLIER
DIRECTOR

October 8, 1981

Mr. William Hackett
Chairman, Board of Appeals
Office of Law, Courthouse
Towson, Maryland 21204

Cycle II - Meeting of September 14, 1981
Item No. - 19
Property Owner: Guiseppi Automotive, Inc.
Location: NW/S Pulaski Highway 517' N/E of Middle River Road
Existing Zoning: CS-1
Proposed Zoning: I-M
Acreage: 0.6
District: 15th

Dear Mr. Hackett:

The Department of Traffic Engineering has no comment for item no. 19 of Cycle II.

Michael S. Flanigan
Traffic Engineering Associate II

MSF/r1j

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: 9/22/81

Mr. Walter Reiter
Chairman, Board of Appeals
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Item No. 19
Property Owner: Guiseppi Automotive, Inc.
Location: NW/S Pulaski Highway 517' N/E of Middle River Rd.
Present Zoning: CS-1
Proposed Zoning: I-M
Acreage: 0.6
School Situation

Zoning Cycle #11 - 1981
Meeting of 9/14/81

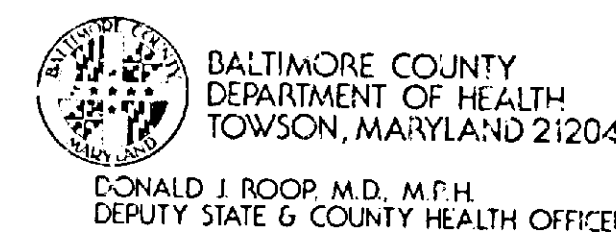
School	Enrollment	Capacity	Over/Under
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Comments: No bearing on the educational system.

Student Yield With:	Existing Zoning	And	Proposed Zoning
Elementary			
Junior High			
Senior High			

Very truly yours,
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp



DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

September 30, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #19, Zoning Advisory Committee Meeting for Cycle II, are as follows:

Property Owner: Guiseppi Automotive, Inc.
Location: NW/S Pulaski Highway 517' N/E of Middle River Road
Existing Zoning: CS-1
Proposed Zoning: I-M
Acreage: 0.6
District: 15th

The existing automotive garage is presently served by a drilled well and sanitary sewer.

Metropolitan water is available to serve the property.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRP/mgt

IN THE MATTER OF THE APPLICATION OF
GUISEPPI AUTOMOTIVE, INC.
FOR ZONING REDISTRICTING
ON PROPERTY LOCATED ON THE
NORTHWEST SIDE OF PULASKI
HIGHWAY, 517 FT. NORTHEAST
OF MIDDLE RIVER ROAD
15th District
From CS-1 to IM

BEFORE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

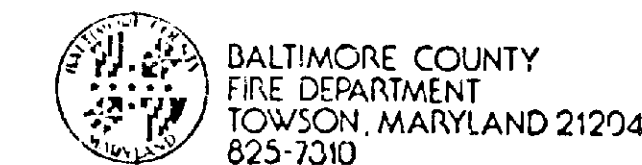
R-82-196, Item 19

OPINION

This case comes before this Board on petition for a change of district from a CS-1 District to an IM District. Case was heard this day in its entirety.

Joseph Carpinieri has owned this subject site since January 1978.

The property is being used as a service garage and is a legal non-conforming use on this ML-CS1 zoned parcel. This parcel, however, is located in a large area of land all zoned ML, with the CS1 District applied in a strip fronting on Pulaski Highway and the majority of the acreage not fronting on the highway being districted I.M. Mr. Carpinieri, trading as Guiseppi Automotive, Inc., is petitioning for the district change so that he can pursue a Special Exception for a service garage permitted in the I.M. District, and not permitted in the CS1 District, Section 253.2.B.3. Under his existing non-conforming use, he can only expand his existing building by 25%. Because of recent and ongoing changes of use in this area, his repair business is no longer mainly automotive, but is becoming mainly truck and heavy equipment repairs. He cites the recent use of several nearby parcels as trucking orientated businesses and entered as exhibits confirmation from them as to the need for a facility of this nature in the area. He testified that if the I.M. district was granted and the Special Exception obtained, he could then erect a structure of sufficient size to accommodate this type of business. He also testified that the rear property line of his parcel already abuts land with an I.M. district classification, so that his property would not be an isolated parcel but would become part of an I.M. district of considerably more than 100 acres. For these reasons, Petitioner claims both error on the comprehensive maps and change in the area justifying his requested district reclassification.



PAUL H. REINCKE
CHIEF

October 9, 1981

Mr. William Hammond cc: William Hackett
Zoning Commissioner Chairman of Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Guiseppi Automotive, Inc.

Location: NW/S Pulaski Highway 517' N/E of Middle River Road

Item No.: 19

Zoning Agenda: Meeting of September 14, 1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/mh/cm

Guiseppi Automotive, Inc.
Case No. R-82-196, Item 19

2.

The Board, in its deliberations, however, must only interpret the Baltimore County Zoning Regulations. Petitioner's desire for any change, no matter how beneficial on the surface, must be denied if it cannot be justified by existing regulations. There has been no change of any zoning to any property in this area, but there have been some use changes, i.e., the use of the abutting property by Christenson Trucking Company. The proposed reclassification does not introduce a new business into the area that could create a detriment to the area. Mr. Carpinieri can legally continue to operate just as he now does under his handicap of too little building space. Under 259.2.H, the purposes of an I.M. District, the subject site meets all obvious purposes, to quote in part, "In I.M. Districts greater industrial use of prime industrial land is promoted by discouraging non-auxiliary commercial usage." The repair of trucks and heavy equipment in an industrial area where these items are expected to be found is promoting greater industrial use of prime industrial land. The Board is once again placed in the position of substituting its evaluation of the circumstances as presented this day into what the County Council would have granted had it been presented the same circumstances. It is the opinion of this Board that the requested change should be granted for the following reasons:

1. The change in district will not create a new or additional district but merely extend the already existing I.M. District.
2. The use as presently allowed could continue but could not be improved without the district change. Exhibits presented indicate that many improvements to the existing use would certainly be welcome.
3. The use of the property under an I.M. District would conform to Section 252.2.H.
4. The use of nearby properties for trucking facilities not in evidence at the time of adoption of the comprehensive map add some weight to the requested change.

For all these reasons, the Board is of the opinion that the CS-1 District as now applied to this parcel is in error and will grant the requested district classification of I.M. to this parcel.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 17th day of September, 1982, by the County Board of Appeals, ORDERED that the requested zoning redistricting from CS-1 to IM be GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-12 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William L. Hackett
William L. Hackett, Chairman

Patricia Phipps
Patricia Phipps

Lefoy B. Spurrier
Lefoy B. Spurrier

RE: PETITION FOR REDISTRICTING : BEFORE THE COUNTY BOARD OF APPEALS
NW/S Pulaski Hwy. 517'
NE of Middle River Rd.,
15th District : OF BALTIMORE COUNTY

GUISEPPI AUTOMOTIVE, INC., : Case No. R-82-196 (Item 19, Cycle II)
Petitioner

ORDER TO ENTER APPEARANCE

To the Honorable, Members of Said Board:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of April, 1982, a copy of the foregoing Order was mailed to Robert J. Romadka, Esquire, and John B. Gontrum, Esquire, 809 Eastern Boulevard, Baltimore, MD 21221, Attorneys for Petitioner.

John W. Hession, III
John W. Hession, III

BALTIMORE COUNTY
APR 2 3 31 PM '82
CLERK OF COURT
BY: [Signature]

REDISTRICTING PETITION * BEFORE THE
FROM CS-1 TO IM DISTRICT * BOARD OF APPEALS
OF *
GUISEPPI AUTOMOTIVE, INC. *
JOSEPH CARPENTIERI, PRESIDENT * OF
9622 PULASKI HIGHWAY *
BALTIMORE, MARYLAND 21220 * BALTIMORE COUNTY

MEMORANDUM OF REASONS FOR RE-CLASSIFICATION

The subject property is located in the Fifth Councilmanic District on the north side of Pulaski Highway, U.S. Route 40, approximately five hundred eighteen (518) feet east of the intersection of Pulaski Highway and Middle River Road. The improvements on the property, a service garage, are known as 9622 Pulaski Highway. The zoning classification is ML, and the property is located in a CS-1 district.

Pulaski Highway is a Class I commercial motorway extensively used by trucks and manufacturers. Many trucking concerns and shippers are located along Pulaski Highway and arterial roadways in the proximate vicinity of Petitioner's property. There is ready access to Petitioner's property from the highway. On either side of Petitioner's property there is new construction of small manufacturers and shippers. Some of the construction has just gotten underway. There is no question but that growth of manufacturing in the immediate vicinity has been very rapid and very recent.

Petitioner's primary business is the servicing of trucks and of trucking equipment. It constitutes an auxiliary service use to the manufacturing concerns in the area. Prior to 1970 a service garage use was permitted as of right in ML zones. After 1970 service garage use was permitted only by special exception and only in IM districts or in planned industrial parks. Baltimore County Zoning Regulations (hereinafter cited as B.C.Z.R.) 253.3.B.3. The current use of the property as a

ROBERT J. ROMADKA
ATTORNEY AT LAW
BY: [Signature]

service garage has existed since before 1970.

Since the property is located in a CS-1 District, it can not be fully utilized as a service garage for the servicing of trucks and trailers. A service garage use is only permitted in IM Districts. This property, however, is ideally situated for service garage use and would serve an existing need of the surrounding manufacturing area.

The property extends back from the roadway over two hundred thirty (230) feet. Only a few feet separate it from the IM District which extends along the Chessie rail lines. In numerous places along Pulaski Highway the IM District reaches to the roadway, but in this particular location it does not. The recent growth of manufacturing use in the area, however, has increased the need for auxiliary service in the area, but many of these uses are not permitted in a CS-1 District.

Failure to district the Petitioner's property and adjacent property IM constitutes error. This area has excellent access and has developed, especially within the last few months, into a haven for small manufacturers and distributors. IM Districts allow a flexibility both in use and in review by zoning a special exception which is clearly needed to promote the growth of manufacturing in the area and to serve the needs of manufacturing concerns. If greater industrial use of prime industrial land, the stated purpose of an I.M. District, is to be promoted in the area, then recognition must be given to the needs of such concerns for repair and servicing centers in the immediate vicinity. (See B.C.Z.R. 259.2.H.) It is clear error to allow IM Districts along Pulaski Highway in far more traveled and more commercial areas than this one and to have a CS-1 District in this area which is becoming more industrialized.

Change in the immediate vicinity is an additional circumstance which calls for redistricting of Petitioner's property. When the zoning maps were last reviewed, the character of the area was still in a state of flux. Within the last couple of months a small truck concern has moved onto property adjacent to that

ROBERT J. ROMADKA
ATTORNEY AT LAW
BY: [Signature]

of Petitioner, and construction of a new manufacturing facility is underway next door to Petitioner's property. These factors could not have been considered when the zoning maps were last considered, and these circumstances make the need for redistricting and for the added flexibility given to county planners by means of the special exception hearing all the more necessary. The trend in the area is toward a growth of the light manufacturing use. As population expands in adjacent areas such as White Marsh along with planned offices in such areas, greater manufacturing use along Pulaski Highway can be expected. No corridor in Eastern Baltimore County possesses its potential for manufacturing growth. To meet this projected growth and the needs of new businesses I-M Districts with their flexibility for promoting auxiliary service to these manufacturing concerns become that much more necessary. The impact of such re-districting on county facilities in the area such as water and sewerage service will be minimal. Traffic growth because of the re-districting also will be minimal.

Therefore, because there was error in the failure to re-district Petitioner's property IM in the last review of the property and because there has been a substantial change in the character of the neighborhood in which the property is located since the property was last re-districted and because IM re-districting is mandated by these factors for meaningful undisturbed growth of the area, Petitioner requests a change in the district from CS-1 to IM.

Respectfully Submitted

Robert J. Romadka
Robert J. Romadka

John B. Gontrum
John B. Gontrum
809 Eastern Boulevard
Baltimore, MD 21221
686-8274

ROBERT J. ROMADKA
ATTORNEY AT LAW
BY: [Signature]

REDISTRICTING PETITION * BEFORE THE
FROM CS-1 TO IM DISTRICT * BOARD OF APPEALS
OF *
GUISEPPI AUTOMOTIVE, INC. * BALTIMORE COUNTY
JOSEPH CARPENTIERI, PRES. *
9622 Pulaski Highway *
Baltimore, MD 21221 *

Dear Ms. Eisenhart:

Please issue a subpoena to Mr. James Dyer, Zoning Department County Office Building, Towson, Maryland 21204, directing him to appear in the above-referenced case on June 9, 1982, at 10:00 a.m.

John B. Gontrum
John B. Gontrum, Attorney for Petitioner
809 Eastern Boulevard
Baltimore, MD 21221
Phone: 686-8274

Please issue the above summons.

June Holman
June Holman, Board of Appeals

REDISTRICTING PETITION * BEFORE THE
FROM CS-1 TO IM DISTRICT * BOARD OF APPEALS
OF *
GUISEPPI AUTOMOTIVE, INC. * BALTIMORE COUNTY

AFFIDAVIT OF SERVICE

I hereby solemnly swear and affirm under the penalty of perjury that I personally hand-delivered to JAMES DYER and served on him a subpoena directing him to appear in the above-referenced case on June 9, 1982, at 10:00 a.m.

Shirley M. Hess

SHIRLEY M. HESS
NOTARY PUBLIC STATE OF MARYLAND
My Comm. Exp. 12-1-83

ROBERT J. ROMADKA
ATTORNEY AT LAW
BY: [Signature]

Beginning for the same at a point the distance five hundred and seventeen and fifty-five one-hundredths feet measured approximately 1/4 mile east along the centerline of U.S. Route 40 (Pulaski Highway) to the intersection of the centerline of Middle River Road and the centerline of Pulaski Highway, and running thence North forty degrees fifty-seven minutes thirteen seconds East, one hundred and fifty feet for the first line; thence binding on the following (5) five courses: North forty-nine degrees two minutes forty-seven seconds West, one hundred eighty-nine and four one-hundredths feet; South fifty-seven degrees thirty-one minutes fifty-eight seconds West, one hundred twenty-two and ten one-hundredths feet; South fifty degrees seventeen minutes fifty-five seconds East, one hundred thirty-eight and sixty-five one-hundredths feet; South thirty-five degrees fifty-seven minutes thirteen seconds West, thirty-six and fourteen one-hundredths feet; South forty-nine degrees two minutes forty-seven seconds East, eighty-two and twelve one-hundredths feet, back to the point of beginning.



Shirley M. Hess

ROBERT J. ROMADKA
ATTORNEY AT LAW
BY: [Signature]

AMMETRIC MAP OF TY METROPOLITAN AREA ZONING MAP

Topography Contour by Photogrammetry
Aerial Photo by Photogrammetry

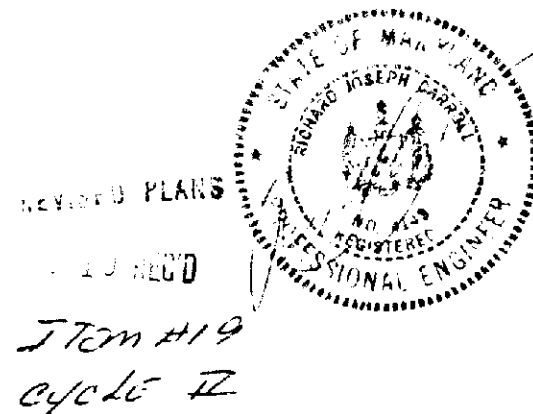
REVISIONS
BY DATE

BR
BR-CS-1

DL

PROPERTY DESCRIPTION GUISEPPI AUTOMOTIVE, INC.

Beginning for the same at a point the distance five hundred and seventeen and fifty-five one-hundredths feet measured approximately Northeast along the centerline of U. S. Route 40 (Pulaski Highway) from the intersection of the centerlines of Middle River Road and Pulaski Highway, and seventy-five feet perpendicular and approximately Northwest from the centerline of Pulaski Highway, running thence North forty degrees fifty-seven minutes thirteen seconds East, one hundred and fifty feet for the first line; thence binding on the following (5) five courses: North forty-nine degrees two minutes forty-seven seconds West, one hundred eighty-nine and four one-hundredths feet; South fifty-seven degrees thirty-one minutes fifty-eight seconds West, one hundred twenty-two and ten one-hundredths feet; South fifty degrees seventeen minutes fifty-five seconds East, one hundred thirty-eight and sixty-five one-hundredths feet; South thirty-five degrees fifty-seven minutes thirteen seconds West, thirty-six and fourteen one-hundredths feet; South forty-nine degrees two minutes forty-seven seconds East, eighty-two and twelve one-hundredths feet, back to the point of beginning.



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

May 28, 1982

Robert Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

Re: Petition for Reclassification
NW/8 Pulaski Highway, 517' NE of
Middle River Road
Guiseppi Automotive, Inc. - Petitioner
Case #R-82-196
Cycle II - Item #19

Dear Mr. Romadka:

This is to advise you that \$61.84 is due for advertising and posting of the above property.

Please make the check payable to Baltimore County, Maryland, and remit to Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 107694

DATE 6/29/82 ACCOUNT 01-662

AMOUNT \$61.84

RECEIVED FROM John B. Gontum, Esquire
FOR Advertising & Posting Case #R-82-196

C 070*****618410 6302A

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR RE-DISTRICTING

15th Election District

ZONING: Petition for Redistricting
LOCATION: Northwest Side Pulaski Highway, 517' NE of Middle River Road from the centerline of Middle River Road

DATE & TIME: Wednesday, June 9, 1982 at 10:00 A.M.

PUBLIC HEARING: Room 218, Courthouse, Towson, Maryland

The County Board of Appeals for Baltimore County, by authority of the Baltimore County Charter will hold a public hearing:

Present Zoning: M-1, C-1
Proposed Zoning: M-1, C-1

All that parcel of land in the Fifteenth District of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 107663

DATE 6/3/82 ACCOUNT 01-662

AMOUNT \$50.00

RECEIVED FROM John B. Gontum, Esquire
FOR Filing Fee for Reclassification Case #R-82-196 (Guiseppi Automotive, Inc.)

C 080*****500010 8302A

VALIDATION OR SIGNATURE OF CASHIER

shown on plat plan filed with

A. Maryland

ORDER OF
LIAM T. HACKETT, CHAIRMAN
NTY BOARD OF APPEALS
BALTIMORE COUNTY



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

January 19, 1982

Robert Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Reclassification
NW/8 Pulaski Highway, 517' NE of Middle River Road
Guiseppi Automotive, Inc. - Petitioner
Cycle #2 - Item #19

Dear Mr. Romadka:

This is to advise you that \$96.89 is due for the first advertising of the above property. Two additional bills will be forwarded to you in the near future. All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

V381mb

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 104572

DATE 2/18/82 ACCOUNT 01-662

AMOUNT \$96.89

RECEIVED FROM John B. Gontum
FOR 1st full page add of case #R-82-196 (Guiseppi)

2871*****19

9685

VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

March 8, 1982

Robert Romadka, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: Petition for Reclassification
NW/8 Pulaski Highway, 517' NE of Middle River Rd.
Guiseppi Automotive, Inc. - Petitioner
Cycle 2 - Item #19
Case #R-82-196

Dear Mr. Romadka:

This is to advise that \$52.75 is due for the 2nd full page add of the cycle 2 billing. You have already been billed for the 1st full page add. A third bill for the individual advertising and posting of the above property will be forthcoming. All bills must be paid before an order is issued.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland, 21204, as soon as possible.

Very truly yours,

William E. Hammond
E. Hammond
Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 107693

DATE 6/29/82 ACCOUNT 01-662

AMOUNT \$52.75

RECEIVED FROM John B. Gontum, Esquire
FOR Advertising 2nd full page add Case #R-82-196

C 071*****527510 8302A

VALIDATION OR SIGNATURE OF CASHIER

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
(GERMANIA FEDERAL BUILDING)
ESSEX, MARYLAND 21221

February 12, 1982

686-8274

Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204

RE: Petition for Reclassification
NW/8 Pulaski Highway, 517'
NE of Middle River Road
Guiseppi Automotive, Inc. - Petitioner
Cycle #2 Item #19

Gentlemen:

Enclosed herewith please find my check in the amount of \$96.89 representing the amount due for the first advertising of the above property.

Very truly yours,

John B. Gontum
John B. Gontum

klg
enc.

cc: Joseph Carpentierri

494-3180

County Board of Appeals

Room 218, Court House
Towson, Maryland 21204
February 26, 1982

Robert J. Romadka, Esquire
John Gontum, Esquire
809 Eastern Boulevard
Baltimore, Md. 21221

Re: Petition for Reclassification
Cycle II - Guiseppi Automotive, Inc.

Dear Messrs Romadka and Gontum:

Your case has been assigned for hearing before the Board during the normal cycle period for reclassification petitions. Written and public notice of the date of the hearing has either been given or is in the process of publication.

The Board has been informed that there are presently pending in the Circuit Court for Baltimore County three separate suits, all of which directly question the validity of the adoption of the 1980 comprehensive zoning map by the County Council of Baltimore County. The suits to which we refer are:

Home Builders Assn. of Md., Inc., et al. v. Baltimore County, Md., et al - Circuit Court Equity #107047

Isaac A. Jones v. Baltimore County, Md., et al - Circuit Court Equity #108329

Shoppa Reisterstown Associates, et al v. Baltimore County, Md., et al - Circuit Court Equity #107318.

The Board, of course, is not involved in those suits and consequently will not be asked to express any opinion on the enactment question. However, we are concerned that the parties to the pending reclassification cases be made aware that there will probably be a judicial decision on the question sometime in the future, and if the Circuit Court should find that the maps were, in fact, improperly enacted, and that decision is affirmed by an appellate court, the various parties to reclassification cases might then be placed in the position of having expended time and money in the preparation and trial of their cases based on the comprehensive map which legally might not exist. The Board has, therefore, determined that it will afford each of the petitioners in the pending reclassification cases the opportunity to review the pending Circuit Court cases and make their individual determination as to whether they wish to proceed at this time to fully try their reclassification case or whether they would prefer not to take that risk and ask the Board for a continuance of their case without hearing until such time as there has been a definitive ruling by the courts on the question of the validity of the 1980 maps.

Since there must be some limit to the period of time within which a decision should be made and communicated to the Board, it has been decided that all requests for postponements made pursuant hereto must be delivered in writing to the Board on or before March 15, 1981.

The Board has attached one very important provision to its willingness to co-operate in the granting of postponements for the purpose outlined above, which is that it will not countenance the use of the reasons given above for a postponement for other reasons and, therefore, if a case is postponed for the reason given above it must remain inactive until there is a definitive action from the courts. Therefore, parties are cautioned that if they do, in fact, seek a postponement because of the doubt surrounding the validity of the enactment of the 1980 comprehensive maps, they will be required to wait until there is a decision from the courts on the question before the Board will again assign their case no matter how long the case is suspended.

The purpose of this communication is to alert all parties of record involved of the Board's intention if a request is timely submitted.

Very truly yours,

William T. Hackett
William T. Hackett, Chairman

WTH:e

cc: Guiseppi Automotive, Inc.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William Hackett-Chairman
Board of Appeals
Date: September 23, 1981
CC: Nick Commodari
FROM: Charles E. Burnham
Cycle II - 1981
SUBJECT: Item #19 Zoning Advisory Committee Meeting 9-11-81

Property Owner: Guiseppi Automotive, Inc.
Location: NW/4 Pulaski Highway 517' E/S of Middle River Road
Existing Zoning: CS-1
Proposed Zoning: I-M
Acres: 0.6
District: 15th

Any proposed structures and improvements shall comply with the Baltimore County Building Code in force at the time. Compliance to the State of Maryland, regulations 05.01.07 and other applicable codes, rules and regulations shall be required.

Permits shall be secured for any improvement or new uses beyond which currently exist.

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:rrj

RECEIVED
SEP 25 10 51 AM '81
BALTIMORE COUNTY
CLERK
BY: [Signature]

September 30, 1981

Mr. Walter Reiter, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Reiter:

Comments on Item #19, Zoning Advisory Committee Meeting for Cycle II, are as follows:

Property Owner: Guiseppi Automotive, Inc.
Location: NW/4 Pulaski Highway 517' E/S of Middle River Road
Existing Zoning: CS-1
Proposed Zoning: I-M
Acres: 0.6
District: 15th

The existing automotive garage is presently served by a drilled well and sanitary sewer.

Metropolitan water is available to serve the property.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

Very truly yours,

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/JRP/ugt

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
BALTIMORE, MARYLAND 21221

ASSOCIATES
CHARLES E. FORBES, III
JOHN B. GONTRUM
JOHN D. HENNINGAN
ALFRED M. WALBERT

June 23, 1982

Board of Appeals
ATTENTION: Chairman William T. Hackett
County Courts Building
Bosley Avenue
Towson, MD 21204

RE: Guiseppi Automotive, Inc.

Dear Chairman Hackett:

As promised, enclosed is a letter from Richard Carroll, professional engineer, stating that he has examined the official zoning maps and he has measured the surrounding ML-IM zoning to the property owned by Guiseppi Automotive, Inc. I trust that this is satisfactory to you and, of course, the map speaks for itself. If you or Mr. Hessian believe that further documentation is necessary, please let me know and I will be more than willing to supply same to shore this one point.

Very truly yours,

John B. Gontrum

JBG/meh

Enclosure

cc: Mr. Jack Hessian
Mr. Joseph Carpentieri

494-3180

County Board of Appeals

Room 219, Court House
Towson, Maryland 21204

September 17, 1982

Robert J. Romadka, Esquire
John Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Md. 21221

Re: Case No. R-82-196
Guiseppi Automotive, Inc.

Dear Sirs:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary
for JH

Encl.

cc: Guiseppi Automotive, Inc.
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. N. E. Gerber
Mr. J. G. Hoswell
Board of Education
John W. Hessian, III, Esq.

May 11, 1982

Robert Romadka, Esquire
John Gontrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

NOTICE OF HEARING

Re: Petition for Re-Districting
NW/4 Pulaski Highway, 517.55' NE from centered line
of Middle River Road
Guiseppi Automotive, Inc. - Petitioner
Case #R-82-196 Item 19 - Cycle II

TIME: 10:00 A.M.

DATE: Wednesday, June 9, 1982

PLACE: Room 218, Courthouse, Towson, Maryland

cc: John W. Hessian, III
People's Counsel

William T. Hackett
William T. Hackett, Chairman
County Board of Appeals

June 17, 1982

Joseph Carpentieri
c/o Robert Romadka, Esquire
809 Eastern Blvd.
Baltimore, MD 21221

Dear Mr. Carpentieri:

As per your request, I have reviewed the records of Baltimore County and have determined that your property is contiguous to an area zoned ML-IM, which is in excess of 100 acres.

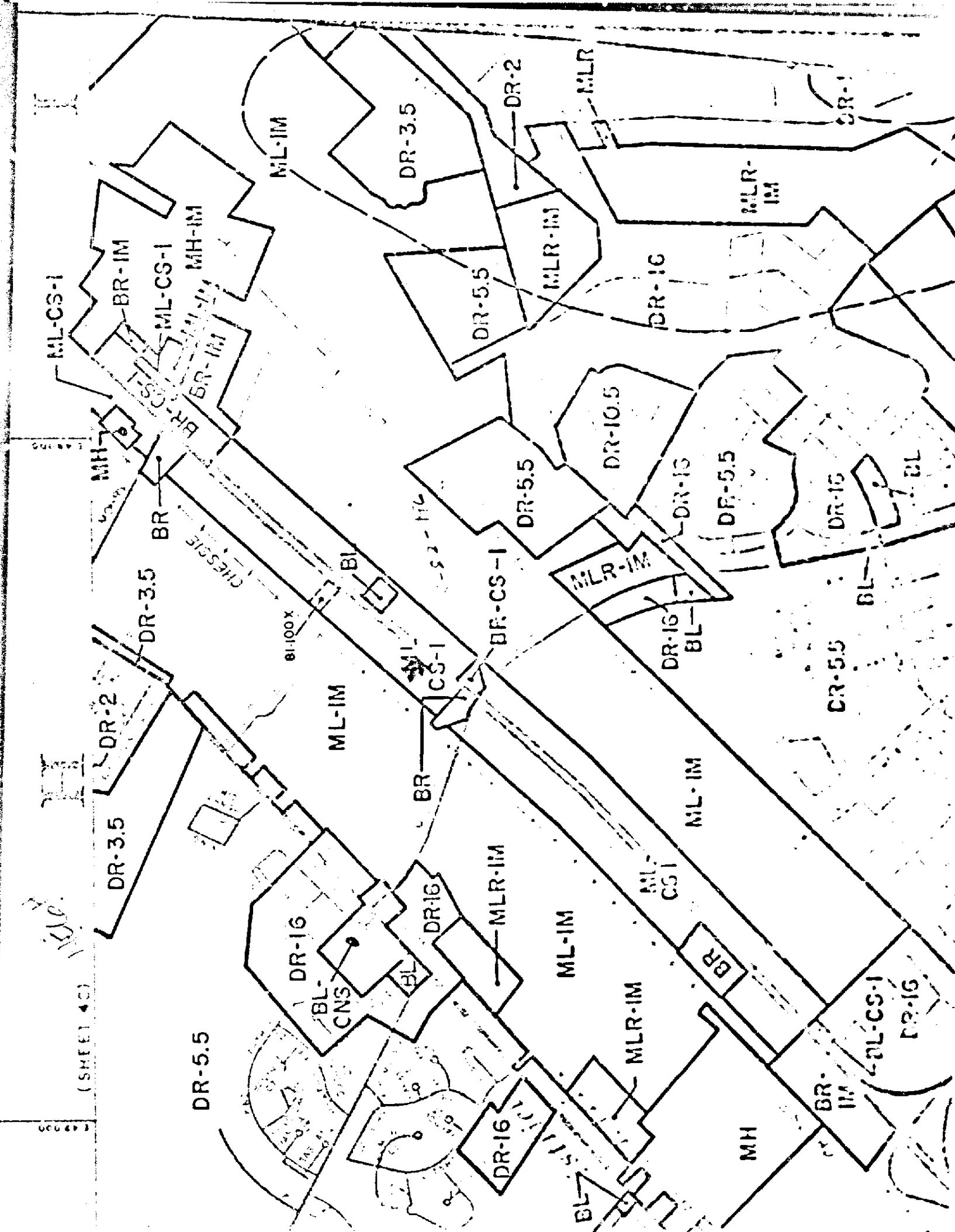
Your land touches upon property owned by a Russell O. Beard, Sr., which is part of the ML-IM zoning. For further information refer to Case No. R82-196. Baltimore County Zoning Map NE C-H, which encompasses your property, shows an area of ML-IM zoning which calculates to be considerably in excess of 100 acres, yet that map contains only a portion of the contiguous area zoned ML-IM.

Should you require any additional information, please contact me at your convenience.

Very truly yours,

Richard J. Carroll
Richard J. Carroll, P.E.
President

RJC/sdl

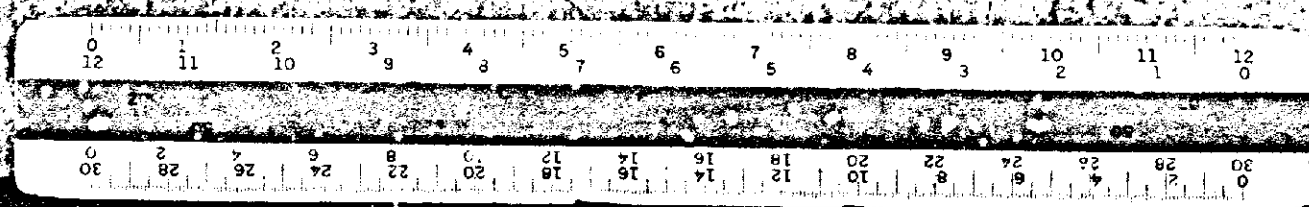


R. 82-196



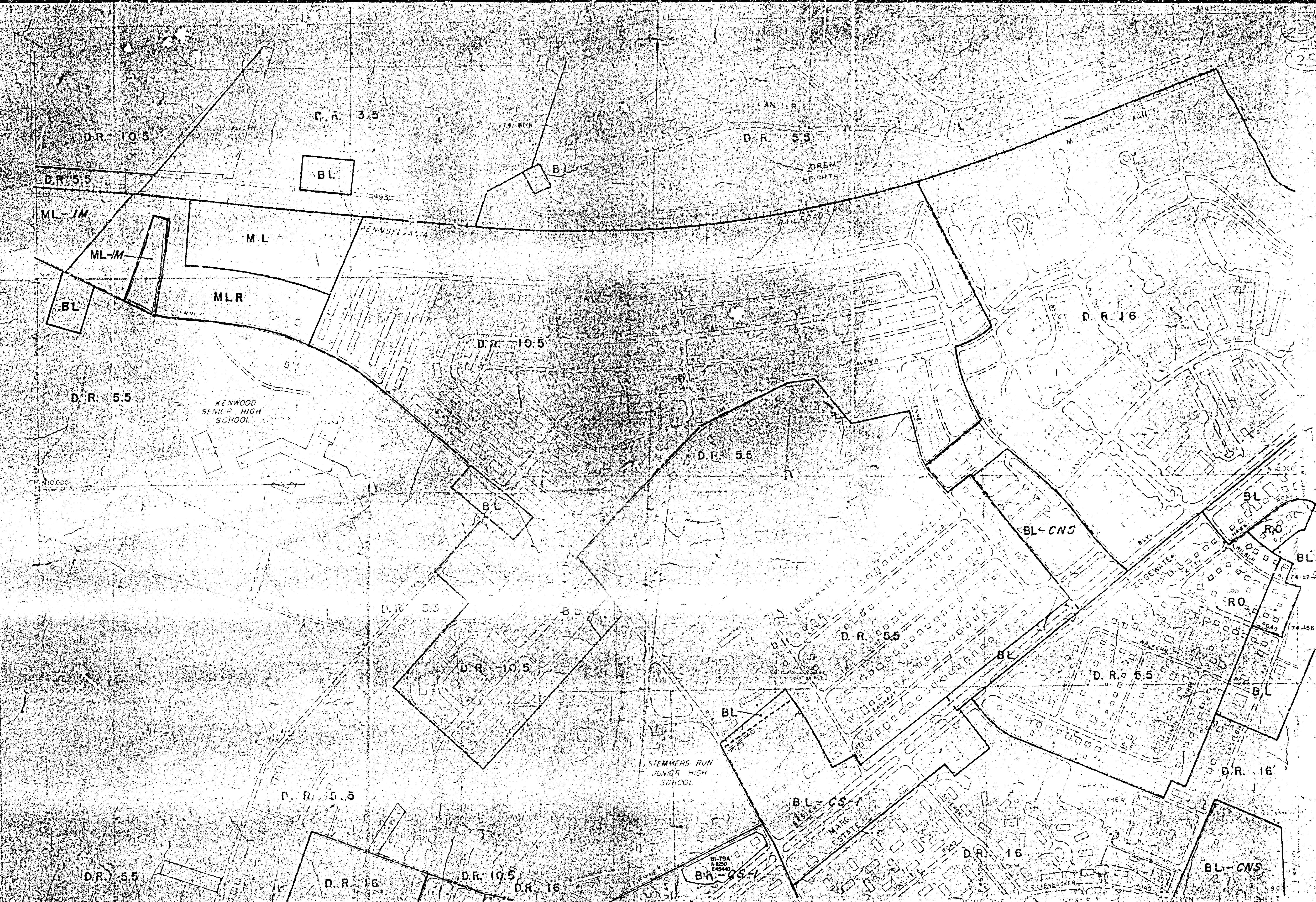
1980 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT 14, 1980
BAL NOS: 184-80, 185-80, 186-80,
187-80, 188-80, 189-80, AND 190-80
Chairman, COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA



REVISIONS	BY	DATE	SCALE	LOCATION	SHEET
1	W. A. G.	4-11-83	1" = 200'	ROSEWOOD	N.W.
2	W. A. G.	4-11-83		SCHOOL VICINITY	12-H

DATE OF PHOTOGRAPHY: APRIL 1983
Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION PHILADELPHIA, PA



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1980 COMPREHENSIVE ZONING MAP
ADOPTED BY THE
BALTIMORE COUNTY COUNCIL
OCT. 14, 1980
BUILDING 184-80, 185-80, 186-80,
187-80, 188-80, 189-80 AND 190-80
BALTIMORE COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA OFFICIAL ZONING MAP

Topography Compiled By Photogrammetric Methods
AEROS AERIAL SURVEY CO. TRANSFERRED
DATE OF PHOTOGRAPH
SCALE
LOCATION
STEMMERS RUN
AERO AGRES
SHEET
E